IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO: 15082 of 2005**

Between:

1 Azad Educational Society, Udith Chambers, Beside UTI Bank,
Ashoknagar, Hyderabad, rep by its Secretary, Mr. Ghouse Moinuddin,

S/o. Md. Gayasuddin, aged about 36 year R/o. Hyderabad.
2 Mr. Ghouse Moinuddin, S/o. Md. Gayasuddin, Hyderabad.

**..... PETITIONERS**

AND

1 The Government of A.P. rep by its Principal Secretary,
Higher Education Department, Secretariat Buildings, Hyderabad.
2 Commissioner & Directorate of Technical Education A.P. Hyderabad.
3 All India Council for Technical Education Indira Gandhi Sport

Complex, I.P. Estate, New Delhi rep by its Secretary

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order, direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 & 2 in not granting permission to the petitioner's Azad College of Engineering & Technology, Peddamangalam Village, Moinabad Mandal, Ranga Reddy District by recognizing the approval granted by the 3rd respondent in proceedings F.No.06/05/AP/ENGG/2004/022 dated 1-11-2004 as being illegal, arbitrary, unconstitutional and violative of the provisions of AICTE Act and consequently direct the respondents to recognize the approval granted by the 3rd respondent by granting permission and permit the petitioner to run its Engineering College without any interference.

**Counsel for the Petitioner: MR.S.NIRANJAN REDDY**
**Counsel for the Respondents: GP FOR HIGHER EDUCATION**

**The Court at the stage of admission made the following:**

**ORDER:**

This writ petition is filed by the petitioner aggrieved by the inaction on the part of the respondents with reference to the grant of recognition in respect of the approval granted by the third respondent i.e., All India Council for Technical Education dated 01-11-2004.

**2.** According to the petitioner, in response to an application made by the petitioner, the Government issued 'no objection certificate', and thereafter, the third respondent-AICTE has considered and granted approval by proceedings dated 01-11-2004. However, in order to get the students allotted, the petitioner is required to get recognition from the State Government. Therefore, the petitioner made an application on 15-12-2004 which was received by the second respondent on 17-12-2004. As no orders are passed by the second respondent, the petitioner had also approached the first respondent by making a representation dated 17-06-2005. As no orders are passed even after representation made to the first respondent, the petitioner has come up with the present writ petition.

**3.** At the time of the hearing, it is represented by the learned Government Pleader that in view of the policy of the Government which was made in its proceeding dated 14-12-2004, the State Government declines to grant any permissions or recognitions to any new Engineering Colleges in view of the left over seats in respect of the existing colleges. Therefore, it is stated that the petitioner is not entitled for the relief sought for.

**4.** However, at the time of hearing, it is represented by the learned counsel for the petitioner that the proceedings of the Government dated 14-12-2004 and the

alleged policy not to grant permission to any new Engineering Colleges was the subject matter of a dispute in a batch of writ petitions in W.P.No.3179 of 2005 and batch which were disposed of by this Court on 28-06-2005. This Court, while disposing of the said writ petitions, set aside the memo issued by the Government dated 14-12-2004, as illegal. In the light of the judgment of this Court, the respondent has to issue permission and they cannot refuse to grant recognition when once the petitioner is granted approval by the AICTE.

**5.** Though the learned Government Pleader, at the time of hearing, stated that the State Government is proposing to file SLP, but on that count the respondent cannot refuse to grant recognition. It is always open to the respondents to grant recognition subject to the out come of the appeal, if any, filed by them.

**6.** In the above circumstances, the writ petition is disposed of directing the second respondent to pass appropriate orders granting recognition to the petitioner expeditiously, preferably, within a period of two weeks from the date of receipt of a copy of this order.

**7.** Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

13th July, 2005

**Note:**

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Furnish C.C. by 18-07-2005.

B/o.

SKM
To

1 The Principal Secretary, Government of A.P., Higher Education

Department, Secretariat Buildings, Hyderabad.
2 The Commissioner & Directorate of Technical Education A.P.

Hyderabad.

3 The Secretary, All India Council for Technical Education Indira

Gandhi Sport Complex, I.P. Estate, New Delhi.

4 Two C.Cs. to G.P. for Higher Education, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

5 Two CD Copies.